RECORD AND BRIEFS

No. 15-1204

FILED
FEB 10 2017
OFFICE OF THE CLERK
SUPREME COURT, U.S.

In The
Supreme Court of the United States

DAVID JENNINGS, et al.,

Petitioners,

v.

ALEJANDRO RODRIGUEZ, et al., individually and on behalf of all others similarly situated,

Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

BRIEF OF *AMICI CURIAE* COUNTY OF SANTA CLARA, CALIFORNIA, AND 19 ADDITIONAL COUNTIES, CITIES, AND TOWNS IN SUPPORT OF RESPONDENTS

JAMES R. WILLIAMS, County Counsel
GRETA S. HANSEN, Chief Assistant County Counsel*
KAVITA NARAYAN, Deputy County Counsel
LORRAINE VAN KIRK, Deputy County Counsel
OFFICE OF THE COUNTY COUNSEL
COUNTY OF SANTA CLARA
70 W. Hedding Street, East Wing, 9th Floor
San Jose, California 95110
(408) 299-5902
greta.hansen@cco.sccgov.org

**Counsel of Record*

[Complete List Of *Amici Curiae* Listed On Inside Cover]

Complete List of *Amici Curiae*:

The County of Santa Clara, California; the County of Alameda, California; the City of Austin, Texas; the City of Baltimore, Maryland; the Town of Carrboro, North Carolina; the Town of Chapel Hill, North Carolina; the City of Chicago, Illinois; the City of Cincinnati, Ohio; the City and County of Denver, Colorado; the District of Columbia; King County, Washington; the City of Minneapolis, Minnesota; the City of Oakland, California; the City of Portland, Oregon; Salt Lake City, Utah; the City and County of San Francisco, California; the City of San Jose, California; the County of San Mateo, California; the City of Seattle, Washington; and the City of Tucson, Arizona.

[Counsel For Additional *Amici*
Listed At The End Of The Brief]

TABLE OF CONTENTS

Page

INTEREST OF *AMICI CURIAE* 1

SUMMARY OF ARGUMENT 2

ARGUMENT 4

I. Prolonged Mandatory Detention Without an Opportunity for Bond Hearings Violates Constitutional Norms that Exist in the Criminal Context, and Harms Local Communities' Interests in Avoiding Unnecessary Detention 4

II. Prolonged Mandatory Detention of Immigrants Without an Opportunity for Bond Hearings Harms Their Families and Communities, and Imposes Significant Costs on Local Governments 15

CONCLUSION 22

TABLE OF AUTHORITIES

Page

CASES

Brill v. Gurich, 965 P.2d 404 (Okla. Crim. App. 1998) 14

Clark v. Superior Court, 14 Cal. Rptr. 2d 49 (Cal. Ct. App. 1992) 7

Clay v. State, 757 So. 2d 236 (Miss. 2000) 14

County of Maricopa, Ariz. v. Lopez-Valenzuela, 135 S. Ct. 2046 (2015) 12

Jackson v. Indiana, 406 U.S. 715 (1972) 7

Lopez-Valenzuela v. Arpaio, 770 F.3d 772 (9th Cir. 2014) (en banc) 12

Maldonado v. State, 999 S.W.2d 91 (Tex. App. 1999) 13

United States v. Salerno, 481 U.S. 739 (1987) 7

Zadvydas v. Davis, 533 U.S. 678 (2001) 6, 12

STATUTES

18 U.S.C. § 3142(a) 7, 11

18 U.S.C. § 3142(b) 8

18 U.S.C. § 3142(c) 8

18 U.S.C. § 3142(e) 11

18 U.S.C. § 3142(f) 8

Alaska Stat. § 12.30.011(c) 14

Ariz. Rev. Stat. § 13-3967(B) 14

Cal. Penal Code § 1270(a) 8

TABLE OF AUTHORITIES – Continued

Page

Cal. Penal Code § 1275(a)(1) 8, 14
Colo. Rev. Stat. § 16-4-103(4) 14
Colo. Rev. Stat. § 16-4-103(5) 14
Conn. Gen. Stat. § 54-63b(b) 14
D.C. Code § 23-1322(d) 7
D.C. Code § 23-1322(e) 14
Del. Code Ann. § 2105(b) 14
Ga. Code Ann. § 17-6-1(e) 14
Haw. Rev. Stat. § 804-3(b) 14
725 Ill. Comp. Stat. § 5/110-5(a) 14
Iowa Code Ann. § 811.2(2) 14
Kan. Stat. Ann. § 22-2802(8) 14
Ky. Rev. Stat. Ann. § 431.525(1) 14
La. Code Crim. Proc. art. 316 14
Mass. Gen. Laws ch. 276, § 58 14
Md. Code Ann., Crim Proc. § 5-202 14
Me. Rev. Stat. Ann. § 1026(4) 14
Mich. Comp. Laws § 765.6(1) 14
Mo. Ann. Stat. § 544.455(2) 14
Mont. Code Ann. § 46-9-109(2) 14
N.C. Gen. Stat. § 15A-534(c) 14
N.H. Rev. Stat. Ann. § 597:2 14
N.J. Stat. Ann. § 2A:162-17 14

TABLE OF AUTHORITIES – Continued

Page

N.Y. Crim. Proc. Law § 510.30(2) 14
Neb. Rev. Stat. § 29-901.01 14
Nev. Rev. Stat. Ann. § 178.4853 14
Or. Rev. Stat. § 135.230(7) 14
R.I. Gen. Laws § 12-13-1.3(c) 14
S.D. Codified Laws § 23A-43-4 14
Tenn. Code Ann. § 40-11-118(b) 14
Utah Code Ann. § 77-20-1 14
Vt. Stat. Ann. § 7554(a)(1) 14
Vt. Stat. Ann. § 7554(b) 14
W. Va. Code Ann. § 62-1C-3 14
Wash. Rev. Code § 10.21.050 14
Wash. Rev. Code § 10.21.060 7
Wis. Stat. § 969.01(4) 14

RULES

Ala. R. Crim. Proc. 7.2(a) 14
Ark. R. Crim. P. 9.2(c) 14
Fla. R. Crim. Proc. 3.131(b)(3) 14
Idaho Crim. R. 46(c) 14
Minn. R. Crim. P. 6.02(2) 14
N.D. R. Crim. P. 46(a)(3) 14
N.M. R. 5-401(C) 14

TABLE OF AUTHORITIES – Continued

Page

Oh. Crim. R. 46(C) 14

Pa. R. Crim. Proc. 523(A) 14

Wyo. R. Crim P. 46.1(d) 14

OTHER AUTHORITIES

Ajay Chaudry et al., Urban Institute, *Facing Our Future: Children in the Aftermath of Immigration Enforcement* (2010), http://www.urban.org/sites/default/files/alfresco/publication-pdfs/412020-Facing-Our-Future.pdf 19

American Sociological Association, *Private Detention of Immigrants Deters Family Visits, Study Finds* (2016), http://www.asanet.org/press-center/press-releases/private-detention-immigrants-deters-family-visits-study-finds 17

Applied Research Center, *Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System* (2011), http://www.atlanticphilanthropies.org/app/uploads/2015/09/ARC_Report_Shattered_Families_FULL_REPORT_Nov2011Release.pdf 16, 20

Dorsey & Whitney LLP, *Severing a Lifeline: The Neglect of Citizen Children in America's Immigration Enforcement Policy* (2009), http://files.dorsey.com/files/upload/DorseyProBono_SeveringLifeline_ReportOnly_web.pdf 16

TABLE OF AUTHORITIES – Continued

Page

Garry Herceg, Director, Office of Pretrial Services, County of Santa Clara, *Report to PSJC on Release Population Trends* (2016), http://sccgov.iqm2.com/Citizens/FileOpen.aspx?Type=4&ID=153959&MeetingID=7200 8

Heather Koball, Urban Institute, *Health and Social Service Needs of U.S.-Citizen Children with Detained or Deported Immigrant Parents* (2015), http://www.migrationpolicy.org/research/health-and-social-service-needs-us-citizen-children-detained-or-deported-immigrant-parents 16, 22

Immigration Equality, *Conditions of Detention*, http://www.immigrationequality.org/get-legal-help/our-legal-resources/detention-deportation/conditions-of-detention/ 17

BI Incorporated, *Intensive Supervision Appearance Program*, https://bi.com/immigration-services/ 9

Kalina Brabeck & Qingwen Xu, *The Impact of Detention and Deportation on Latino Immigrant Children and Families: A Quantitative Exploration* (2010), http://journals.sagepub.com/doi/pdf/10.1177/0739986310374053 20

Kalina Brabeck et al., *The Psychosocial Impact of Detention and Deportation on U.S. Migrant Children and Families – A Report for the Inter-American Human Rights Court* (2013), https://www.bc.edu/content/dam/files/centers/humanrights/pdf/Brabeck_Lykes_Hunter-2014-J-OrthoPsychsocialKidsYouthMigration.pdf 18, 19, 21

TABLE OF AUTHORITIES – Continued

Page

Luis H. Zayas, *The Distress of Citizen-Children with Detained and Deported Parents* (2015), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4667551/pdf/nihms-656770.pdf 18

Marie VanNostrand & Kenneth J. Rose, *Pretrial Risk Assessment in Virginia* (2009), https://www.pretrial.org/download/risk-assessment/VA%20Risk%20Report%202009.pdf 9

Matthew Gardner et al., Institute on Taxation & Economic Policy, *Undocumented Immigrants' State & Local Tax Contributions* (2015), http://www.itep.org/pdf/undocumentedtaxes2015.pdf 22

National Immigration Forum, *The Math of Immigration Detention: Runaway Costs for Immigration Detention Do Not Add Up to Sensible Policies* (2013), http://immigrationforum.org/wp-content/uploads/2014/10/Math-of-Immigation-Detention-August-2013-FINAL.pdf 10

Pretrial Justice Institute, *Report on Impact of House Bill 463: Outcomes, Challenges, and Recommendations* (2012), http://www.pretrial.org/download/law-policy/Kentucky%20Pre%20Post%20HB%20463%20First%20Year%20Pretrial%20Report.pdf 6, 8

Pretrial Services Agency for the District of Columbia, Office of Strategic Development, *Freedom and Money – Bail in America*, https://www.psa.gov/?q=node/97 ..... 6, 8, 9

TABLE OF AUTHORITIES – Continued

Page

Public Policy Institute of California, *Foster Care in California: Achievements and Challenges* (2010), http://www.ppic.org/content/pubs/report/R 510CDR.pdf 20

Randy Capps et al., Urban Institute, *Paying the Price: The Impact of Immigration Raids on America's Children* (2007), http://www.urban.org/sites/default/files/publication/46811/411566-Paying-the-Price-The-Impact-of-Immigration-Raids-on-America-s-Children.pdf 22

Robert Koulish, *Using Risk to Assess the Legal Violence of Mandatory Detention* (2016), http://www.mdpi.com/2075-471X/5/3/30/htm 10

Ruben Loyo & Carolyn Corrado, N.Y.U. School of Law Immigrant Rights Clinic, *Locked Up But Not Forgotten: Opening Access to Family & Community in the Immigration Detention System* (2010), http://graphics8.nytimes.com/packages/pdf/nyregion/20100429_detention report_April2010.pdf 17

Shanta R. Dube et al., *The Impact of Adverse Childhood Experiences on Health Problems: Evidence from Four Birth Cohorts Dating Back to 1900* (2003), http://www.traumacenter.org/initiatives/Felitti,%202003,%20The%20impact%20of%20adverse%20childhood%20experiences.pdf 19

TABLE OF AUTHORITIES – Continued

Page

Timothy P. Cadigan et al., *The Re-validation of the Federal Pretrial Services Risk Assessment* (2012), http://www.pretrial.org/download/risk-assessment/The%20Re-validation%20of%20the%20Federal%20Pretrial%20Services%20Risk%20Assessment%20%28PTRA%29%20-%20Cadigan%20et%20al%202012.pdf 6, 11

U.S. Government Accountability Office, Report No. GAO-15-26, *Alternatives to Detention* (2014), http://gao.gov/assets/670/666911.pdf.....9

Vincent J. Felitti, MD et al., *The Adverse Childhood Experiences (ACE) Study: Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults* (1998), http://www.theannainstitute.org/ACE%20folder%20for%20website/4RCH.pdf.....18

INTEREST OF *AMICI CURIAE*[1]

Amici are counties, cities, and towns located throughout the United States. We provide essential services to the residents of our communities – including delivering health care, housing assistance, foster care, and other social safety-net services that enable community members to live healthy and stable lives. We also fund, operate, and oversee the local law enforcement agencies and jail facilities that are responsible for protecting public safety within our communities.

Amici have a substantial interest in the resolution of the questions presented in this case. We are home to some of the largest populations of immigrants in the United States, and have extensive experience serving our diverse communities. Our collective understanding as administrators of local law enforcement agencies and jails demonstrates that while some high-risk individuals should remain in custody pending resolution of their legal proceedings, many individuals – including immigrants – can safely be released, benefiting their families and communities and generating extensive savings for taxpayers. Amici have an interest in seeing that the constitutional norm of individualized review of appropriateness for release pending the resolution of criminal proceedings is likewise respected in the civil immigration context.

---

[1] No counsel for a party authored this brief in whole or in part, and no party or counsel for a party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than *amici* or their counsel made a monetary contribution to this brief's preparation or submission. All counsel of record consented to the filing of *amicus* briefs.

Further, our immigrant residents are valued members of our communities. Many of them are long-time residents of our towns, cities, and counties; make substantial social and economic contributions; and have United States citizen children and other deep local ties. When these community members are subjected to prolonged immigration detention, their families are destabilized and the welfare of their children is jeopardized. When that occurs, amici incur increased obligations to provide costly public services.

SUMMARY OF ARGUMENT

The federal government advances an untenable position: that immigrants may be held in prolonged mandatory immigration detention for months or even years without the opportunity for an individualized bond hearing where their release may be considered by an immigration judge, and where the burden of proof is on the government to justify their continued detention. This position is not only inconsistent with fundamental principles of constitutional law, but also destabilizes families and communities and imposes substantial, needless burdens on taxpayers. Moreover, based on amici's experience in the criminal context, this approach does not enhance public safety and is not necessary to ensure court appearances.

Amici submit this brief to highlight two issues of significant importance to local governments nationwide. First, the experience of local law enforcement agencies across the country demonstrates that providing

civil detainees the opportunity for individualized bond consideration – as criminal defendants are uniformly offered in the pretrial phase of their criminal proceedings – does not negatively affect community safety or the integrity of the court process. Instead, it significantly reduces costs to taxpayers, who currently pay billions of dollars per year to fund unnecessary detention of thousands of immigrants who could safely be released pending resolution of their immigration proceedings. Indeed, the vast majority of states as well as the federal government have enacted criminal bail laws that do not call for consideration of immigration status in assessing an individual's appropriateness for pretrial release – reflecting the widespread wisdom that immigration status is *not* an appropriate proxy for flight risk or risk to public safety.

Furthermore, subjecting immigrants to lengthy mandatory detention without bond hearings undermines the financial, social, and psychological wellbeing of their children and families. Those impacts, in turn, impose significant burdens upon amici by sending children of detained parents into foster care and increasing demands for other child welfare services, public benefits, and criminal justice processes. These costs usurp scarce local resources that could otherwise be used to provide needed services to amici's communities. Indeed, if the procedural protections ordered by the Court of Appeals were universally afforded to immigrant detainees, numerous detainees who do not present a flight risk or pose a danger to the community

could safely be released from custody pending resolution of their immigration proceedings, with commensurate reductions in both federal and local expenditures.

Although the federal government recognizes the well-established constitutional safeguards that limit pretrial detention in the criminal justice system, it incongruously argues that no such protections are required for immigrants subject to prolonged mandatory detention under the *civil* immigration laws. Amici see no basis for categorically foreclosing application of those principles in the civil context, whether in the Constitution or as a matter of sound policy, and strongly support the application of the constitutional norm of an individualized bond hearing to immigrants detained under the statutes at issue in this case.

ARGUMENT

I. Prolonged Mandatory Detention Without an Opportunity for Bond Hearings Violates Constitutional Norms that Exist in the Criminal Context, and Harms Local Communities' Interests in Avoiding Unnecessary Detention

The federal government asserts that guaranteeing bond hearings to immigrants who are subject to prolonged mandatory detention would undermine the enforcement of immigration law by creating undue risks

of flight and re-offense.[2] In advancing this argument, the federal government erroneously presumes that categorical detention is necessary and appropriate to prevent those undesirable outcomes. In fact, prolonged mandatory detention without an opportunity for bond consideration violates foundational constitutional norms that have long existed in the criminal context. Further, amici's experience demonstrates that such a sweeping and absolute approach to detention is wholly unnecessary, and indeed can cause substantial harm.

Amici operate local sheriff's offices, police departments, jails, probation departments, district attorney's offices, and other criminal justice agencies. As local governments responsible for oversight and operation of law enforcement agencies, amici share the federal government's interest in protecting public safety, ensuring compliance with the law, and safeguarding the integrity of the judicial system. Both amici and the federal government, therefore, have an interest in the adoption of laws and policies that discourage and prevent flight and re-offense by individuals awaiting adjudication, whether those proceedings arise from criminal charges or civil immigration charges.

Amici's collective experience as administrators of local criminal justice systems, along with the bulk of empirical research, demonstrates that while some high-risk individuals appropriately remain in custody pending resolution of proceedings, many others –

---

[2] Petitioners' Merits Brief 22, 32-33, 47.

including immigrants – can be released following consideration of their individual facts and circumstances without an adverse impact on safety or court appearance rates.[3] The norm of individualized consideration for release is an important constitutional principle in the criminal context, and there is no sound basis on which to disregard this core principle wholesale in the civil immigration context.

1. The administration of justice in any system, civil or criminal, requires the provision of basic procedural protections before an individual may be detained. "Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that [the Due Process] Clause protects."[4] Whether detention is civil or criminal in nature, "due process requires that the

---

[3] *See, e.g.*, Timothy P. Cadigan et al., *The Re-validation of the Federal Pretrial Services Risk Assessment*, 3-4 (2012), http://www.pretrial.org/download/risk-assessment/The%20Re-validation%20of%20the%20Federal%20Pretrial%20Services%20Risk%20Assessment%20%28PTRA%29%20-%20Cadigan%20et%20al%202012.pdf; Pretrial Justice Institute, *Report on Impact of House Bill 463: Outcomes, Challenges, and Recommendations*, 6, 10 (2012), http://www.pretrial.org/download/law-policy/Kentucky%20Pre%20Post%20HB%20463%20First%20Year%20Pretrial%20Report.pdf; Pretrial Services Agency for the District of Columbia, Office of Strategic Development, *Freedom and Money – Bail in America*, https://www.psa.gov/?q=node/97.

[4] *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

nature and duration of commitment bear some reasonable relation to the purpose for which the individual is committed."[5]

In the criminal context, it is well-settled that pretrial detention can be imposed consistent with constitutional due process principles only when preceded by "numerous procedural safeguards," including a hearing at which the potential detainee has the right to be represented by counsel, to testify and present witnesses, and to cross-examine adversary witnesses; and at which the government must prove by clear and convincing evidence that detention is necessary to prevent flight and/or re-arrest.[6] Indeed, "liberty is the norm, and detention prior to trial or without trial is the carefully limited exception."[7]

The laws of all fifty states and the District of Columbia, as well as federal law, guarantee bail hearings for individuals awaiting adjudication of criminal charges.[8] These bail statutes generally offer criminal defendants the right to be considered for release from custody upon providing appropriate assurances that

---

[5] *Jackson v. Indiana*, 406 U.S. 715, 738 (1972); *see also Zadvydas*, 533 U.S. at 690.

[6] *United States v. Salerno*, 481 U.S. 739, 742, 751-52, 755 (1987).

[7] *Id.* at 755.

[8] *See, e.g., Clark v. Superior Court*, 14 Cal. Rptr. 2d 49, 51 (Cal. Ct. App. 1992); Wash. Rev. Code § 10.21.060; D.C. Code § 23-1322(d); 18 U.S.C. § 3142(a); *Salerno*, 481 U.S. at 747; *see also* Brief of *Amici Curiae* Nat'l Ass'n of Crim. Def. Lawyers et al. 10-13.

they will attend all required court hearings – which may take the form of paying monetary bail, signing an agreement to abide by various court-ordered conditions of pretrial supervision, or simply signing a promise to appear.[9] While no individual is guaranteed release under these systems, the *opportunity* to seek release before a judge is uniformly afforded.

2. Local criminal justice systems throughout the country have demonstrated that the use of empirically based, individually applied risk assessment tools to determine whether an individual should be released prior to trial allows large numbers of individuals to be released without negative effects on public safety or court appearance rates. For example, in 2012, 70% of criminal defendants in the State of Kentucky were released from pretrial custody; 90% of these individuals made all required court appearances, and 92% avoided new arrests.[10] Similarly, in the County of Santa Clara, California, approximately 95% of all criminal defendants who were released on their own recognizance or on pretrial supervision between 2013 and 2016 made all required court appearances, and 99% avoided reoffending.[11] These figures are representative of those

---

[9] *See, e.g.*, 18 U.S.C. § 3142(b)-(c), (f); Cal. Penal Code §§ 1270(a), 1275(a)(1).

[10] *See* Pretrial Justice Institute, *Report on Impact of House Bill 463: Outcomes, Challenges, and Recommendations*, 6, 10 (2012), http://www.pretrial.org/download/law-policy/Kentucky%20Pre%20Post%20HB%20463%20First%20Year%20Pretrial%20Report.pdf.

[11] Garry Herceg, Director, Office of Pretrial Services, County of Santa Clara, *Report to PSJC on Release Population Trends*, 15,

in other jurisdictions utilizing evidence-based assessment tools to determine which individuals can safely be released.[12] If this Court concludes, as it should, that immigration detainees must be given periodic bond hearings, federal immigration judges could likewise utilize such tools to identify the population of immigrants who could be released without substantial risk of flight or danger to the community.[13]

3. The benefits of such a ruling would inure not only to the individuals detained and their families and

---

17 (2016), http://sccgov.iqm2.com/Citizens/FileOpen.aspx?Type=4&ID=153959&MeetingID=7200.

[12] *See, e.g.*, Marie VanNostrand & Kenneth J. Rose, *Pretrial Risk Assessment in Virginia*, 10, 12 (2009), https://www.pretrial.org/download/risk-assessment/VA%20Risk%20Report%202009.pdf (of the 65% of criminal defendants released system-wide in Virginia using a pretrial risk assessment tool, 93.8% made all court appearances and 97.1% avoided new arrests); Pretrial Services Agency for the District of Columbia, Office of Strategic Development, *Freedom and Money – Bail in America*, https://www.psa.gov/?q=node/97 (in Washington, D.C., 88% of criminal defendants are released from custody prior to trial, and 88% of those released both make all court appearances and avoid new arrests).

[13] Indeed, immigration judges already have access to tools that are utilized in releasing other groups of immigration detainees. Through the Intensive Supervision Appearance Program, which allows certain detainees to be released with supervision, 95-99% of immigrants enrolled in the "full-service component" of the program made their required court appearances – which is equal to or even better than the rates in the state and local criminal justice systems described above. *See* BI Incorporated, *Intensive Supervision Appearance Program*, https://bi.com/immigration-services/; U.S. Government Accountability Office, Report No. GAO-15-26, *Alternatives to Detention*, 30 (2014), http://gao.gov/assets/670/666911.pdf.

communities, but also to the public fisc. Procedural mechanisms guaranteeing consideration for release can significantly reduce public expenditures on costly and unneeded detention. For fiscal year 2014 alone, the federal government requested approximately $2 billion in funding for immigration detention – or about $159 per detained immigrant per day.[14] The actual figure is likely even higher due to ICE's underreporting of costs.[15] A recent study of the risk assessment tool the federal government has developed for use with immigration detainees determined that approximately 50% of immigrants who are currently subject to mandatory detention could safely be released if offered individualized bond consideration.[16] These releases would save $1 billion or more in federal taxpayer dollars annually.[17]

4. The same considerations that have spurred local governments across the country to ensure their pretrial justice systems are achieving the goal of avoiding

---

[14] National Immigration Forum, *The Math of Immigration Detention: Runaway Costs for Immigration Detention Do Not Add Up to Sensible Policies*, 2 (2013), http://immigrationforum.org/wp-content/uploads/2014/10/Math-of-Immigation-Detention-August-2013-FINAL.pdf.

[15] *See id.*

[16] Robert Koulish, *Using Risk to Assess the Legal Violence of Mandatory Detention* (2016), http://www.mdpi.com/2075-471X/5/3/30/htm.

[17] National Immigration Forum, *The Math of Immigration Detention: Runaway Costs for Immigration Detention Do Not Add Up to Sensible Policies*, 2 (2013), http://immigrationforum.org/wp-content/uploads/2014/10/Math-of-Immigation-Detention-August-2013-FINAL.pdf; *see also* Joint Appendix 356-57 ¶¶ 32-34.

unnecessary detention apply with full force in the immigration context. It is both unconstitutional and illogical to categorically deny immigrants who are subject to mandatory detention under the statutes at issue in this case the opportunity for individualized judicial consideration of their appropriateness for release, with the burden placed on the government to justify continued detention.

Although the federal government argues against the provision of bond hearings for mandatory immigration detainees, it takes the opposite position in the criminal context. The federal criminal bail statute not only absolutely guarantees a bond hearing, it is inherently structured to promote release, specifying that judges may order pretrial detention *only* after determining – consistent with due process requirements – that no release option would be sufficient to assure court appearances and/or avoid the commission of new offenses.[18] In addition, according to the Office of Probation and Pretrial Services of the Administrative Office of the United States Courts, when criminal defendants are individually assessed for appropriateness for pretrial release, "more defendants [a]re released, on less restrictive conditions, and with no increase in failure-to-appear or rearrest rates."[19]

---

[18] *See* 18 U.S.C. § 3142(a), (e); *Salerno*, 481 U.S. at 742.

[19] Timothy P. Cadigan et al., *The Re-validation of the Federal Pretrial Services Risk Assessment*, 3-4 (2012), http://www.pretrial.org/download/risk-assessment/The%20Re-validation%20of%20the%20Federal%20Pretrial%20Services%20Risk%20Assessment%20%28PTRA%29%20-%20Cadigan%20et%20al%202012.pdf.

As this Court and other federal courts have recognized, immigration status, standing alone, is not a "convincing proxy" for the risk of flight or re-offense during periods of release from custody.[20] In *Zadvydas v. Davis*, a case involving civil detention of immigrants following the entry of a removal order, this Court concluded that the possibility of re-offense upon release could not be advanced as a justification for categorical detention because "removable status itself . . . bears no relation to a detainee's dangerousness."[21] And in *Lopez-Valenzuela v. Arpaio*, the Ninth Circuit, sitting en banc, struck down an Arizona state law that categorically denied criminal bail to certain undocumented immigrants on the ground that they inherently "pose[d] an unmanageable flight risk."[22] The Ninth Circuit concluded that "[t]here is no evidence that undocumented status correlates closely with unmanageable flight risk," particularly because "many undocumented immigrants were brought here as young children and have no contacts or roots in another country."[23] This Court denied certiorari.[24] Thus, it is clear as a matter of federal law that immigration status alone is not an indicator of risk.

---

[20] *Lopez-Valenzuela v. Arpaio*, 770 F.3d 772, 786 (9th Cir. 2014) (en banc).

[21] *Zadvydas*, 533 U.S. at 692.

[22] *Lopez-Valenzuela*, 770 F.3d at 782.

[23] *Id.* at 786.

[24] *County of Maricopa, Ariz. v. Lopez-Valenzuela*, 135 S. Ct. 2046 (2015).

Holding that the Constitution requires individualized bond hearings for immigrants subject to prolonged mandatory detention would also be consistent with the overwhelming majority of state criminal bail laws nationwide – those of *forty-five states plus the District of Columbia* – that do not make immigration status a factor in pretrial release decisions. Texas's bail laws, for example, do not mention immigration status at all, focusing instead on the nature and circumstances of the offense, the ability of the accused to make bail, and victim and community safety, as well as: "(1) the accused's work record; (2) the accused's family and community ties; (3) the accused's length of residency; (4) the accused's prior criminal record; (5) the accused's conformity with previous bond conditions; (6) the existence of other outstanding bonds, if any; and (7) aggravating circumstances alleged to have been involved in the charged offense."[25] Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Hawaii, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming likewise do not include consideration of immigration

---

[25] *See Maldonado v. State*, 999 S.W.2d 91, 93-94 (Tex. App. 1999) (citing Tex. Code Crim. Proc. art. 17.15).

status in their criminal bail and pretrial release decisions.[26] To the extent the five remaining states' criminal bail laws do include consideration of immigration status, they do not use that status to categorically deny release – as the federal government advocates here – but instead embed it within a number of other factors designed to assess more thoroughly each individual's specific risk of flight and re-offense.[27] If immigration

---

[26] *See* Ala. R. Crim. Proc. 7.2(a); Alaska Stat. § 12.30.011(c); Ark. R. Crim. P. 9.2(c); Cal. Penal Code § 1275(a)(1); Colo. Rev. Stat. § 16-4-103(4)-(5); Conn. Gen. Stat. § 54-63b(b); Del. Code Ann. § 2105(b); D.C. Code § 23-1322(e); Fla. R. Crim. Proc. 3.131(b)(3); Ga. Code Ann. § 17-6-1(e); Haw. Rev. Stat. § 804-3(b); Idaho Crim. R. 46(c); Iowa Code Ann. § 811.2(2); Kan. Stat. Ann. § 22-2802(8); Ky. Rev. Stat. Ann. § 431.525(1); La. Code Crim. Proc. art. 316; Me. Rev. Stat. Ann. § 1026(4); Md. Code Ann., Crim Proc. § 5-202; Mass. Gen. Laws ch. 276, § 58; Mich. Comp. Laws § 765.6(1); Minn. R. Crim. P. 6.02(2); *Clay v. State*, 757 So. 2d 236, 240 (Miss. 2000); Mo. Ann. Stat. § 544.455(2); Mont. Code Ann. § 46-9-109(2); Neb. Rev. Stat. § 29-901.01; Nev. Rev. Stat. Ann. § 178.4853; N.H. Rev. Stat. Ann. § 597:2; N.J. Stat. Ann. § 2A:162-17; N.M. R. 5-401(C); N.Y. Crim. Proc. Law § 510.30(2); N.C. Gen. Stat. § 15A-534(c); N.D. R. Crim. P. 46(a)(3); Oh. Crim. R. 46(C); *Brill v. Gurich*, 965 P.2d 404, 406 (Okla. Crim. App. 1998); Or. Rev. Stat. § 135.230(7); Pa. R. Crim. Proc. 523(A); R.I. Gen. Laws § 12-13-1.3(c); S.D. Codified Laws § 23A-43-4; Tenn. Code Ann. § 40-11-118(b); Utah Code Ann. § 77-20-1; Vt. Stat. Ann. § 7554(a)(1), (b); Wash. Rev. Code § 10.21.050; W. Va. Code Ann. § 62-1C-3; Wis. Stat. § 969.01(4); Wyo. R. Crim P. 46.1(d).

[27] For example, Arizona's criminal bail law calls for consideration of "[w]hether the accused has entered or remained in the United States illegally" as merely one of a list of 15 factors. *See* Ariz. Rev. Stat. § 13-3967(B). Similarly, Illinois law lists "whether a foreign national defendant is lawfully admitted in the United States of America" or "currently subject to [removal] under the immigration laws of the United States" among more than 30 factors. *See* 725 Ill. Comp. Stat. § 5/110-5(a).

status correlated closely with risk to the community, it stands to reason that many or all states – rather than a very small minority – would mandate its consideration in criminal bail hearings.

The tension between the federal government's position and the experiences of amici and state and local governments around the country can be resolved only by concluding that the longstanding and widely applied norms that favor individualized consideration for pretrial release in the criminal justice system extend to the civil immigration system. Constitutional due process principles, as well as local interests, demand that conclusion.

II. Prolonged Mandatory Detention of Immigrants Without an Opportunity for Bond Hearings Harms Their Families and Communities, and Imposes Significant Costs on Local Governments

As the parties' and other amici's briefs have made amply clear, mandatory detention under the statutes at issue in this case is frequently quite prolonged, including for immigrants with significant family and community ties.[28] These briefs have also detailed the detrimental effect such detention has upon detainees, including physical, psychological, economic, and legal

---

[28] *See* Respondents' Merits Brief 6, 8, 20, 22; Brief of *Amici Curiae* 43 Social Science Researchers and Professors 6; Brief of *Amici Curiae* Detained Legal Services Providers 8-10.

harms.[29] Unfortunately, the harms of prolonged mandatory detention do not end with the individuals detained, instead cutting deeply into local communities such as those that amici serve.

1. A large majority of immigrants subject to mandatory detention under the statutes at issue in this case, generally excluding arriving asylum-seekers, have United States citizen children from whom they are separated when placed into detention.[30] Reviews of the immigration enforcement system have concluded that tens to hundreds of thousands of United States citizen children were affected by the detention or removal of a parent in the first decade of the twenty-first century alone.[31]

---

[29] *See* Brief of *Amici Curiae* 43 Social Science Researchers and Professors 10-25.

[30] *See* Joint Appendix 554-56 ¶¶ 15-20. In addition, a significant percentage of those who are eventually removed from the country – as many as 25% – are parents of United States citizen children. *See* Heather Koball, Urban Institute, *Health and Social Service Needs of U.S.-Citizen Children with Detained or Deported Immigrant Parents*, 1 (2015), http://www.migrationpolicy.org/research/health-and-social-service-needs-us-citizen-children-detained-or-deported-immigrant-parents; Applied Research Center, *Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System*, 11 (2011), http://www.atlanticphilanthropies.org/app/uploads/2015/09/ARC_Report_Shattered_Families_FULL_REPORT_Nov2011Release.pdf.

[31] Dorsey & Whitney LLP, *Severing a Lifeline: The Neglect of Citizen Children in America's Immigration Enforcement Policy*, 21 (2009), http://files.dorsey.com/files/upload/DorseyProBono_SeveringLifeline_ReportOnly_web.pdf.

Prolonged mandatory detention affects the lives of detained immigrants and their children and families in numerous ways. Individuals held in immigration detention facilities are often transferred far away from their families to remote detention sites.[32] Even when detainees are held nearby, they have only limited opportunities to receive family visits, with detention facilities sharply limiting the number of visits permitted, the amount of time per visit, and weekend and evening visits.[33] Those visits that are allowed are often "non-contact" visits in which the detained immigrant must talk to his or her family members through a plexiglass window or by telephone.[34] Already scarce and strained opportunities for visitation are especially rare and limited for detainees in privately run immigration detention facilities, who are 60% less likely than those held in public facilities to receive visits from their children and families.[35]

---

[32] Ruben Loyo & Carolyn Corrado, N.Y.U. School of Law Immigrant Rights Clinic, *Locked Up But Not Forgotten: Opening Access to Family & Community in the Immigration Detention System*, 3, 14-15, 23 (2010), http://graphics8.nytimes.com/packages/pdf/nyregion/20100429_detentionreport_April2010.pdf.

[33] *Id.* at 8-9.

[34] Immigration Equality, *Conditions of Detention*, http://www.immigrationequality.org/get-legal-help/our-legal-resources/detention-deportation/conditions-of-detention/.

[35] American Sociological Association, *Private Detention of Immigrants Deters Family Visits, Study Finds* (2016), http://www.asanet.org/press-center/press-releases/private-detention-immigrants-deters-family-visits-study-finds.

The detention of a family member has profound and immediate effects on the lives of family members left in the community, particularly children. Immediate, observable psychological effects on children of detained parents include anxiety, depression, sleeplessness, fear, feelings of isolation, and anger/aggression.[36] Incarceration of a child's parent or other family member is classified as an adverse childhood experience that is linked to wide-ranging negative effects on the child's lifelong health and wellbeing.[37] These lasting effects on a child include increasing his or her likelihood of suffering from depression, suicide attempts, sexually transmitted diseases, cancer, heart disease, chronic lung disease, and broken bones; as well as his or her likelihood

---

[36] Kalina Brabeck et al., *The Psychosocial Impact of Detention and Deportation on U.S. Migrant Children and Families – A Report for the Inter-American Human Rights Court*, 84 Am. J. of Orthopsychiatry 496, 498, 500 (2013), https://www.bc.edu/content/dam/files/centers/humanrights/pdf/Brabeck_Lykes_Hunter-2014-J-OrthoPsychsocialKidsYouthMigration.pdf; Ajay Chaudry et al., Urban Institute, *Facing Our Future: Children in the Aftermath of Immigration Enforcement*, 41-49 (2010), http://www.urban.org/sites/default/files/alfresco/publication-pdfs/412020-Facing-Our-Future.pdf; Luis H. Zayas, *The Distress of Citizen-Children with Detained and Deported Parents*, 24 J. Child Fam. Stud. 3213, 3221-22 (2015), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4667551/pdf/nihms-656770.pdf.

[37] Vincent J. Felitti, MD et al., *The Adverse Childhood Experiences (ACE) Study: Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults*, 14 Am. J. Preventative Medicine 245, 249-51 (1998), http://www.theannainstitute.org/ACE%20folder%20for%20website/4RCH.pdf.

of engaging in risky health behaviors like smoking, alcoholism, and drug use.[38]

If a detained family member is a wage-earner and/or caregiver, his or her detention can also have obvious and severe implications for the family's stability, such as loss of employment, income, and associated health benefits; loss of housing; inability to pay bills; and food insecurity.[39] Children in families that lose their housing when a wage-earning parent or relative is detained often experience deteriorating educational outcomes, and may be forced to transfer schools, resulting in disruptions to their educational progress and social relationships.[40]

---

[38] *Id.*; Shanta R. Dube et al., *The Impact of Adverse Childhood Experiences on Health Problems: Evidence from Four Birth Cohorts Dating Back to 1900*, 37 J. Preventative Medicine 268, 274-75 (2003), http://www.traumacenter.org/initiatives/Felitti,%202003,%20The%20impact%20of%20adverse%20childhood%20experiences.pdf.

[39] Kalina Brabeck et al., *The Psychosocial Impact of Detention and Deportation on U.S. Migrant Children and Families – A Report for the Inter-American Human Rights Court*, 84 Am. J. of Orthopsychiatry 496, 498, 501 (2013), https://www.bc.edu/content/dam/files/centers/humanrights/pdf/Brabeck_Lykes_Hunter-2014-J-OrthoPsychsocialKidsYouthMigration.pdf; Ajay Chaudry et al., Urban Institute, *Facing Our Future: Children in the Aftermath of Immigration Enforcement*, 27-39 (2010), http://www.urban.org/sites/default/files/alfresco/publication-pdfs/412020-Facing-Our-Future.pdf.

[40] Ajay Chaudry et al., Urban Institute, *Facing Our Future: Children in the Aftermath of Immigration Enforcement*, 49-53 (2010), http://www.urban.org/sites/default/files/alfresco/publication-pdfs/412020-Facing-Our-Future.pdf; Kalina Brabeck et al., *The Psychosocial Impact of Detention and Deportation on U.S. Migrant Children and Families – A Report for the Inter-American Human*

2. In addition to the social and financial burdens on families and communities of detained immigrants, prolonged mandatory detention imposes significant costs upon the local governments that serve those families and communities. A study conducted in 2011 conservatively estimated that 5,100 children in foster care nationally – approximately 1.25% of the total number of foster children – were there because they had parents who had been detained or removed through the immigration system.[41] Foster care is extremely costly to the local governments that bear primary responsibility for managing child welfare programs. In 2010, the Public Policy Institute of California found that California and its fifty-eight counties spent $1.35 billion on foster care support payments over the previous two years.[42] Assuming that 1.25% of the foster children receiving these support payments had detained or removed parents – a conservative assumption given California's large immigrant population – immigration

---

Rights Court, 84 Am. J. of Orthopsychiatry 501 (2013), https://www.bc.edu/content/dam/files/centers/humanrights/pdf/Brabeck_Lykes_Hunter-2014-J-OrthoPsychsocialKidsYouthMigration.pdf; Kalina Brabeck & Qingwen Xu, *The Impact of Detention and Deportation on Latino Immigrant Children and Families: A Quantitative Exploration*, 32 Hisp. J. of Behav. Sci. 341, 354 (2010), http://journals.sagepub.com/doi/pdf/10.1177/0739986310374053.

[41] Applied Research Center, *Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System*, 6 (2011), http://www.atlanticphilanthropies.org/app/uploads/2015/09/ARC_Report_Shattered_Families_FULL_REPORT_Nov2011Release.pdf.

[42] Public Policy Institute of California, *Foster Care in California: Achievements and Challenges*, 3 (2010), http://www.ppic.org/content/pubs/report/R_510CDR.pdf.

detention and removals imposed more than $16.8 million in foster care costs on the State of California and its counties in 2008 and 2009. If costs are included for the full range of child welfare services provided, including caseworker investigation, ongoing social worker engagement, legal proceedings in juvenile dependency court, costs associated with licensing and certification of foster homes, and supportive services for children aging out of foster care, this figure jumps to $67.5 million.[43] While it would be difficult to calculate how much of this cost is attributable to prolonged mandatory detention under the statutes at issue in this case, it is clear that providing an opportunity for bond hearings for immigrants with children could save local governments millions of dollars each year in avoided child welfare services.

3. Detention of immigrants without the opportunity for release has many other wide-ranging social consequences and costs. Amici local governments are responsible, among other things, for the arrest, investigation, and prosecution of crimes and the detention of offenders; for providing mental health care, including substance abuse treatment, to indigent residents; and for administering various benefits to the unemployed. Children with incarcerated parents have been found to be three to four times more likely to engage in criminal activity, and also more likely to suffer from long-term substance abuse and unemployment in adulthood[44] – all of which increases service and cost

---

[43] *See id.* at 3-5.

[44] Kalina Brabeck et al., *The Psychosocial Impact of Detention and Deportation on U.S. Migrant Children and Families – A*

burdens on amici. Amici also bear much of the cost of caring for United States citizen children whose performance in school, economic wellbeing, and access to food and shelter may deteriorate when their parents are detained or removed.[45] Amici additionally lose significant tax revenue when immigrants are detained or removed.[46] Although the full costs of these consequences to local governments are difficult to quantify, they are undoubtedly substantial and wide-ranging.

CONCLUSION

Subjecting immigrants to prolonged mandatory detention without bond hearings undermines the financial, social, and psychological wellbeing of their children,

---

Report for the Inter-American Human Rights Court, 84 Am. J. of Orthopsychiatry 496, 500 (2013), https://www.bc.edu/content/dam/files/centers/humanrights/pdf/Brabeck_Lykes_Hunter-2014-J-OrthoPsychsocialKidsYouthMigration.pdf.

[45] *See* Heather Koball, Urban Institute, *Health and Social Service Needs of U.S.-Citizen Children with Detained or Deported Immigrant Parents*, 5, 7, 11 (2015), http://www.migrationpolicy.org/research/health-and-social-service-needs-us-citizen-children-detained-or-deported-immigrant-parents; Randy Capps et al., Urban Institute, *Paying the Price: The Impact of Immigration Raids on America's Children*, 44-54 (2007), http://www.urban.org/sites/default/files/publication/46811/411566-Paying-the-Price-The-Impact-of-Immigration-Raids-on-America-s-Children.pdf.

[46] Matthew Gardner et al., Institute on Taxation & Economic Policy, *Undocumented Immigrants' State & Local Tax Contributions*, 1, 3 (2015), http://www.itep.org/pdf/undocumentedtaxes2015.pdf (in 2012, undocumented immigrants alone paid $11.84 billion in state and local taxes, including $3.2 billion in California, $1.5 billion in Texas, $793 million in Illinois, and $300 million in Washington).

families, and the communities in which they live. It also imposes significant burdens on local governments, driving up the need for foster care, increasing demands for public benefits, and compounding criminal justice-related costs. Amici's experience administering criminal justice systems demonstrates that many of these individuals could safely be released with no adverse impact on public safety or court appearance rates. Affording immigration detainees bond hearings at which the government bears the burden of justifying their continued detention not only satisfies well-established constitutional norms, but also prevents waste of taxpayer dollars on unnecessary detention. Amici urge the Court to hold that the Constitution guarantees all immigrants subject to detention the right to such a hearing.

Respectfully submitted,

JAMES R. WILLIAMS,
County Counsel
GRETA S. HANSEN,
Chief Assistant
County Counsel*
KAVITA NARAYAN,
Deputy County Counsel
LORRAINE VAN KIRK,
Deputy County Counsel
OFFICE OF THE
COUNTY COUNSEL
COUNTY OF SANTA CLARA
70 W. Hedding Street,
East Wing, 9th Floor
San Jose, California 95110
(408) 299-5902
greta.hansen@cco.sccgov.org

Counsel of Record

DONNA R. ZIEGLER
County Counsel,
COUNTY OF ALAMEDA
1221 Oak Street, Suite 450
Oakland, CA 94612
Attorney for the County of Alameda, California

ANNE L. MORGAN
City Attorney,
CITY OF AUSTIN
P.O. Box 1546
Austin, TX 78767
Attorney for the City of Austin, Texas

DAVID E. RALPH
Acting City Solicitor,
CITY OF BALTIMORE
100 Holliday Street
Baltimore, MD 21202
Attorney for the Mayor and City Council of Baltimore, Maryland

G. NICHOLAS (NICK) HERMAN
General Counsel,
TOWN OF CARRBORO
1526 E. Franklin Street,
Suite 200
Chapel Hill, NC 27514
Attorney for the Town of Carrboro, North Carolina

RALPH D. KARPINOS
Town Attorney,
TOWN OF CHAPEL HILL
405 Martin Luther
King Jr. Boulevard
Chapel Hill, NC 27514
Attorney for the Town of Chapel Hill, North Carolina

STEPHEN R. PATTON
Corporation Counsel,
CITY OF CHICAGO
30 N. LaSalle Street,
Suite 800
Chicago, IL 60602
Attorney for the City of Chicago, Illinois

PAULA BOGGS MUETHING
City Solicitor,
CITY OF CINCINNATI
801 Plum Street, Room 214
Cincinnati, OH 45202
Attorney for the City of Cincinnati, Ohio

KRISTIN M. BRONSON
City Attorney,
CITY AND COUNTY
OF DENVER
1437 Bannock Street,
Room 353
Denver, CO 80202
Attorney for the City and County of Denver, Colorado

KARL A. RACINE
Attorney General,
DISTRICT OF COLUMBIA
One Judiciary Square
441 4th Street, NW,
Suite 1100 South
Washington, DC 20001
Attorney for the District of Columbia

DAN SATTERBERG
King County
Prosecuting Attorney
516 Third Avenue, W400
Seattle, WA 98104
Attorney for King County, Washington

SUSAN L. SEGAL
City Attorney,
CITY OF MINNEAPOLIS
350 S. 5th Street, Room 210
Minneapolis, MN 55415
Attorney for the City of Minneapolis, Minnesota

BARBARA J. PARKER
City Attorney,
CITY OF OAKLAND
1 Frank H. Ogawa Plaza,
6th Floor
Oakland, CA 94612
Attorney for the City of Oakland, California

TRACY REEVE
City Attorney,
CITY OF PORTLAND
430 City Hall
1221 SW 4th Avenue
Portland, OR 97204
Attorney for the City of Portland, Oregon

MARGARET D. PLANE
City Attorney,
SALT LAKE CITY CORP.
451 S. State Street,
Suite 505A
P.O. Box 145478
Salt Lake City, UT
84114-5478
Attorney for Salt Lake City, Utah

DENNIS J. HERRERA
City Attorney, CITY AND
COUNTY OF SAN FRANCISCO
City Hall Room 234
One Dr. Carlton B.
Goodlett Place
San Francisco, CA 94110
Attorney for the City and County of San Francisco, California

RICHARD DOYLE
City Attorney,
CITY OF SAN JOSE
200 E. Santa Clara Street,
16th Floor
San Jose, CA 95113
Attorney for the City of San Jose, California

JOHN C. BEIERS
County Counsel,
COUNTY OF SAN MATEO
400 County Center,
Sixth Floor
Redwood City, CA 94063
Attorney for the County of San Mateo, California

PETER S. HOLMES
City Attorney,
CITY OF SEATTLE
701 Fifth Avenue,
Suite 2050
Seattle, WA 98104-7097
Attorney for the City of Seattle, Washington

MICHAEL RANKIN
City Attorney,
CITY OF TUCSON
P.O. Box 27210
Tucson, AZ 85726-7210
Attorney for the City of Tucson, Arizona